IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17137 of 2004

Between:

Sk. Mastan Pyarijan S/o Basha Saheb
R/o D. No. 13-11-21/1, Kaki Street, Srikakulam

..... PETITIONER

AND

1 The Divisional Forest Officer, Srikakulam
2 The Forest Range Officer, Tekkali, Srikakulam
3 The Forestor, Narasannapet, Srikakulam District
4 Pappu Police S/o R/o Rajarampuram, Poliki Mandal, srikakulam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or mandamus or appropriate order or direction in the nature of Writ directing the 1st respondent to release the ASHOK LEYLAND Lorry Vehicle bearing Registration NO. AP 30T 5533 to the petitioner forthwith after declaring the detention of the said vehicle by the 1st respondent as arbitrary, discriminatory and violative of articles 14, 19 1 (g) and 300 (A) of the Constitution of India in the interest of justice.

Counsel for the Petitioner:MR.B.NALIN KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR FORESTS

The Court, at the stage of admission, made the following :

ORDER

Petitioner's lorry bearing No.AP 30T 5533 was confiscated by the second and third respondents while it was transporting Casurina wood. Alleging that no case has been registered, and no action has been taken, on the petition filed by the petitioner under Section 44(2) of A.P. Forest Rules for release of vehicle, the present writ petition is filed seeking a direction to the respondents for release of the vehicle.

Learned Government Pleader for Forest, produced the records, from which, it is clear that a show cause notice dated 27.9.2004 was issued by the Divisional Forest Officer, Srikakulam, informing the petitioner that the lorry in question has been seized while transporting illicit Casuarina Stem Wood near Polanki Junction at Narasanapeta and a case, under Sections 29 and 44 of A.P. Forest Act r/w Rules 3 and 4 of Andhra Pradesh Forest Produce Transit Rules, 1970 has been registered. The petitioner was also directed to show-cause as to why the lorry in question cannot be confiscated as per sub-rule 2(A) of Section 44 of Andhra Pradesh Forest Act, 1967.

In view of the law declared by the Apex Court in **SECTION FORESTOR AND ANOTHER V MANSUR ALI KHAN** pending confiscation proceedings, the vehicle in question cannot be released. However, it would suffice to direct the respondents to conclude the enquiry and pass final orders as expeditiously as possible.

With the above direction, the writ petition is disposed of. No costs.

A. GOPAL REDDY. J.

08th October, 2004

tsr.

To

1 The Divisional Forest Officer, Srikakulam
2 The Forest Range Officer, Tekkali, Srikakulam
3 The Forestor, Narasannapet, Srikakulam District
4 Pappu Police S/o R/o Rajarampuram, Poliki Mandal, srikakulam District

5 Two C.Cs. to Government Pleader for Forests, High Court Buildings, Hyderabad. (OUT)

5 Two CD copies.